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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,142	01/26/2000	Jeffry Jovan Philyaw	PHLY-24,910	8141

25883 7590 05/10/2002

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT PAPER NUMBER

2152

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/491,142

Applicant(s)

PHILYAW ET AL.

Examiner

William C. Vaughn, Jr.

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-- Th MAILING DATE of this communication app ars on the cover she t with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in response to the Reply and Amendment received 15 January 2002.
2. The application has been examined. **Original claims 22-34** are pending. The objections and rejections cited are as stated below:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al. (Hudetz), U.S. Patent No. 5,978,773 in view of Wellner, U.S. Patent No. 5,640,193.
5. Regarding **claim 22**, Hudetz discloses the invention substantially as claimed. Hudetz discloses *a method for connecting a user computer at a first location on a network with a second location on the network through use of a coded symbol having contained therein encoded information associated with routing information on the network to the second location* [see Hudetz, Col. 3, lines 25-36] *thereover, comprising the steps of: extracting the encoded information from the coded symbol and decoding such extracted encoded information to provide decoded information* [see Hudetz, Col. 7, lines 2-9, Col. 11, lines 27-39]; However, Hudetz does not explicitly disclose inputting the decoded information to a defined port on the user computer which has an existing first functionality associated with the operation of the user computer which is not the same functionality as the step of inputting the decoded information, such that the step of inputting comprises a second functionality, with the port of the user computer operable to

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accommodate for both the first and second functionality during operation thereof; detecting operation under the second functionality when decoded information is input to the port; and in response to the step of detecting, connecting to the second location utilizing the decoded information.

6. In the same field of endeavor, Wellner discloses (e.g., multimedia service access by reading marks on an object). Wellner *discloses inputting the decoded information to a defined port on the user computer which has an existing first functionality associated with the operation of the user computer which is not the same functionality as the step of inputting the decoded information, such that the step of inputting comprises a second functionality, with the port of the user computer operable to accommodate for both the first and second functionality during operation thereof; detecting operation under the second functionality when decoded information is input to the port; and in response to the step of detecting, connecting to the second location utilizing the decoded information* (Wellner teaches having a memory to store a scanner pen identification (ID) code to, for example, distinguish signals from different scanner pens which communicate with interface (15). Scanner pen ID codes could be used to uniquely identify the user, if each user has his/her own scanner pen. In interface (15), the controller can then compare ID against a previously stored authorization table to determine if the user's request is authorized), [see Wellner, Col. 2, lines 66-67 and Col. 3, lines 1-45];

7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Wellner's teachings of multimedia service access by reading marks on an object with the teachings of Hudetz, for the purpose of utilizing

the scanner id in order to facilitate connection and transmission of decoded information. By this rationale **claim 22** is rejected.

8. Regarding **claim 23**, Hudetz-Wellner further discloses *wherein the network comprises the Internet* [see Hudetz, Col. 9, lines 33-42]. By this rationale **claim 23** is rejected.

9. Regarding claim 24, Hudetz-Wellner further *discloses wherein the coded symbol comprises a bar code* [see Hudetz, Col. 5, lines 22-29]. By this rationale **claim 24** is rejected.

10. Regarding claim 25, Hudetz-Wellner further discloses *wherein the bar code includes an UPC* [see Hudetz, Col. 6, lines 33-44]. By this rationale claim 25 is rejected.

11. Regarding **claim 26**, Hudetz-Wellner further *discloses wherein the bar code includes coded therein an ISBN code* [see Hudetz, Col. 6, lines 33-44]. By this rationale **claim 26** is rejected.

12. Regarding **claim 27**, Hudetz-Wellner further *discloses wherein the bar code symbol contains therein an EAN code* [see Hudetz, Col. 6, lines 33-44]. By this rationale **claim 27** is rejected.

13. Regarding **claim 28**, Hudetz-Wellner further *discloses wherein the coded symbol is disposed on a product* [see Hudetz, Col. 6, lines 20-25]. By this rationale **claim 28** is rejected.

14. Regarding **claim 29**, Hudetz-Wellner further discloses *wherein the encoded information comprises information related to the product and is unique thereto* [see Hudetz, Col. 6, lines 20-25]. By this rationale **claim 29** is rejected.

15. Regarding **claim 30**, Hudetz-Wellner further discloses wherein the coded symbol comprises and optical symbol and the step of extracting comprises optically scanning the encoded information [see Hudetz, Col. 6, lines 20-25]. By this rationale **claim 30** is rejected.

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16. Regarding **claim 31**, Hudetz-Wellner further discloses wherein the step of connecting comprises the steps of: interfacing the user computer through the network to an intermediate location on the network having a resource server and a resource database disposed [see Hudetz, Col. 7, lines 2-42]; transmitting the decoded information to the interface with intermediate locations [see Hudetz, Col. 11, lines 27-40]; the database having stored therein a table of routing information and a plurality of information for a plurality of second locations on the network [see Hudetz, Col. 7, lines 57-67 and Col. 8, lines 1-10]; and each of the routing information associated with one or more of different decoded information [see Hudetz, Col. 8, lines 1-10]; comparing the received decoded information with the stored decoded information [see Hudetz, Col. 8, lines 1-46] and, if there is a match, transmitting the associated routing information with the match decoding information back to the user computer [see Hudetz, Col. 8, lines 21-53]; and connecting the user computer with the second location in accordance with the routing information transferred from the intermediate location [see Hudetz, Col. 11, lines 27-39]. By this rationale **claim 31** is rejected.

17. Regarding **claims 32-34**, are substantially the same as claims 22 and 30 and are thus rejected for reasons similar to those in rejecting claims 22 and 30.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

WCV

WCV
Patent Examiner
Art Unit 2152
May 6, 2002

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a cursive 'H' and 'R'.

MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100